

and advised not to ship such devices in interstate commerce, but that such warnings and advice had been unheeded.

The complaint alleged further, on information and belief, that the defendants would continue to violate the law unless restrained from so doing, and prayed the issuance of a decree perpetually enjoining and restraining the defendants from the acts complained of; and that a temporary restraining order issue immediately, granting the relief prayed for.

DISPOSITION: On August 22, 1945, a temporary restraining order was issued as prayed in the complaint. On April 7, 1948, the defendants having admitted the allegations of the complaint and consented to the entry of a decree, judgment was entered that the defendants, their agents, servants and employees, and all persons acting for or on their behalf, be perpetually enjoined and restrained from introducing or delivering for introduction into interstate commerce, directly or indirectly, devices which the defendants, at the time or at any time thereafter, may have in their possession or under their control, which are adulterated or misbranded as charged in the complaint.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3545. Action to enjoin and restrain the altering of labeling and unlawful acts with respect to vitamin products while held for sale after shipment in interstate commerce. U. S. v. Vitamin Store of Missouri and Louis E. Krawitz and Miriam W. Krawitz. Injunction granted. (Inj. No. 160.)

COMPLAINT FILED: April 14, 1947, Eastern District of Missouri, against the Vitamin Store of Missouri, a partnership, St. Louis, Mo., and Louis E. Krawitz and Miriam W. Krawitz, partners.

NATURE OF CHARGE: The complaint alleged that the defendants had been and were at the time of filing the complaint engaged in the retail sale of vitamin products which had been shipped in interstate commerce and held for sale by the defendants after such shipment; and that it was the usual and common practice to display and cause to be associated with each of the vitamin products certain printed and graphic circulars, posters, and pamphlets which represented the product to be effective in the treatment or prevention of various ailments and diseases, and which constituted labeling of such products.

The complaint alleged further that the defendants had received in interstate commerce vitamin products which were labeled and designated, in part, "Multi-B-Plex Tablets," "Super B-Plex Plus Tablets," "Vitamin C Tablets," "Vitamin A Capsules," "Vita-Slim," "Arthron Vitamin D," "Super Potency Pan-A-Plex," "Super-Complex Special Formula No. 10," "Aller-Cedic * * * Capsules," "Nura-Plex Capsules," and "Ultra-Beta Capsules," and that while these products were held for sale after shipment in interstate commerce, the defendants caused the pamphlets, posters, and circulars referred to above to be displayed and associated with the products, which resulted in the products becoming misbranded under Section 502 (a); that certain statements in the pamphlets and posters represented and suggested that the *Super B-Plex Plus tablets* were effective in the treatment or prevention of, or would aid persons suffering from, fatigue, nervousness, insomnia, neuritis, constipation, and loss of appetite; that certain statements in the circulars and posters represented and suggested that the *Multi-B-Plex tablets* were effective in the treat-

*See also Nos. 3541, 3542, 3544.